

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SHARELL A. SHAW,

Plaintiff,

Case No. 10-10727

v.

HONORABLE AVERN COHN

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

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ORDER REGARDING PLAINTIFF'S REQUEST FOR HEARING (Doc. 26)

This is a social security case. On February 22, 2010, plaintiff Sharell Shaw, proceeding pro se, filed this action seeking judicial review of an unfavorable decision disallowing benefits. The matter was referred to a magistrate judge for all pretrial proceedings. Defendant, the Commissioner of Social Security (Commissioner), filed a motion to dismiss on the grounds that plaintiff had not timely appealed from a final decision and therefore jurisdiction was lacking. On April 7, 2011, the magistrate judge issued a report and recommendation (MJRR) recommending that the Commissioner's motion be granted. Doc. 8. Plaintiff did not timely file objections to the MJRR. Accordingly, on May 6, 2011, the Court issued an order adopting the MJRR, granting the Commissioner's motion, and dismissing the case. Doc. 24.

Before the Court is plaintiff's paper which has been docketed as a Request for Hearing. Doc. 26. In this filing, plaintiff requests a hearing and also states that he did not file objections to the MJRR because he did not receive it until May 11, 2011. His

paper is dated May 13, 2011. Doc. 26. That same day, plaintiff also filed a notice of appeal, a request to proceed without payment of the fee on appeal, and a request for the appointment of counsel on appeal. Docs. 27, 28, 29.

To the extent plaintiff's filing is deemed a request for reconsideration, it is denied. Although plaintiff says why he did not file objections, he does not ask for time in which to file objections nor does he give any reasons as to why reconsideration is warranted. See E.D. Mich. LR 7.1(h)(3). Indeed, the MJRR fully explains why plaintiff is not entitled to the relief he seeks. Namely, that the Court lacks jurisdiction over this matter. Moreover, given plaintiff's filing of a notice of appeal, the better course is to have that appeal proceed.

SO ORDERED.

S/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

Dated: May 18, 2011

I hereby certify that a copy of the foregoing document was mailed to Sharell A. Shaw, 20925 Lahser, Apt 815, Southfield, MI 48033 and the attorneys of record on this date, May 18, 2011, by electronic and/or ordinary mail.

S/Julie Owens
Case Manager, (313) 234-5160